REMARKS

The claims have been amended without adding new matter in order to correct minor informalities and to address other issues raised by the Examiner.

Claims 22-25 have been added.

The following claims remain pending in the application: Claims 1-7, and 11-25.

Reconsideration of the claims in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicant have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (602) 262-5355 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §102

1. Claims 1-3, 5-6 and 18 and 20 are rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent Application Publication No. 2003/0174823 A1 (Justice et al.). The Applicant respectfully traverses.

The Final Office Action ("FINAL") in paragraph 3 stated that "[t]he Applicant's argument with respect to claims 1-7, 11-14, and 16-21 have been considered but are moot in view of the new ground(s) of rejection." However, with regard to original and unamended claims 1-3, 5-6 and 20, the undersigned Applicant's representative has made a diligent search of the FINAL and can identify neither any new ground of rejection, any new reference applied to reject these claims, nor any specific or general response to Applicant's arguments filed on July 7, 2006 with Amendment B. Accordingly, the following arguments are respectfully submitted for reconsideration and specific comment.

Claims 1-3

The Applicant respectfully submits that every element of Claim 1 is not anticipated, disclosed, or taught by the Justice reference. The Office Action states, for instance, that Justice discloses the step of "obtaining identity information relating to an identity of a customer who purchases a financial transaction." For example, in Figure 2 of Justice, a *card* number is disclosed, which is unique to a calling card but is not the "identity of a customer." Figure 4 of Justice receives only a "payment account designator," not the "identity of a customer." Figure 9 only discloses "verifying" a customer name, address and phone number, not obtaining the information, as disclosed in claim 1. Paragraph [0004] is directed to inspecting a person for physical appearance, and paragraph [0057] does not disclose obtaining identity information of a customer who purchases *a financial transaction.*

Regarding the step of comparing said financial transaction with zero or more previous financial transactions that occurred on a same day as said transaction and that comprise said identity information, none of the cited locations in Justice disclose previous *financial transactions* nor are the transactions disclosed to comprising said identity information. Justice only vaguely addresses transactions, but not limited to those transactions comprising said identity information or directed to *financial* transactions.

Additionally the step of generating a report that comprises said identification information and said additional information is not taught, disclosed, anticipated by Justice, as paragraphs [0121] discloses only that "reports are generated listing all detected past transactions containing the identified fraud indicator" and paragraph [0122] only discusses that a clerk is reading a report, not generating one: "The fraud clerk may use his or her judgment when scanning the reports…"

The Applicant has scoured the Justice reference and finds no teaching, disclosure, suggestion, or anticipation of the claimed invention that justify grounds for a §102 rejection. Therefore, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §102. As Justice fails to disclose or teach every element of Applicant's Claim 1, the rejection under §102(e) has been overcome, and Claim 1 is in condition for allowance. And by virtue of their dependence on an allowable base claim, dependent claims 2-3 are also in condition for allowance, and further as to Claim 3, nowhere does the specification mention a threshold amount of $3,000.00.

Claims 5-6

Regarding the step of storing daily transactions for financial transactions in a database, Justice does disclose a database for storing past transactions, but does not teach storing *daily* transactions for *financial* transactions in the database ([0009]). Likewise, paragraph [0028] refers to storing call information in an account database, and does not teach storing *daily* transactions for *financial* transactions in the database. Paragraph [0032] teaches only updating

the balance of a user account (but not storing daily financial transactions) and while paragraph [0035] recites a database, nowhere is it disclosed that into this database, daily transactions for financial transactions are stored.

Also, the step of aggregating records by customer identifying information is not disclosed or taught by Justice. Figure 9 discloses retrieving orders and verifying certain information, but does not teach aggregation of records by customer identifying information, nor does paragraph [0016] as mentioned by the Office Action.

Further, regarding the step of storing said second record for reporting; as mentioned above, paragraphs [0121] discloses only that "reports are generated listing all detected past transactions containing the identified fraud indicator" and paragraph [0122] only discusses that a clerk is reading a report, not generating one: "The fraud clerk may use his or her judgment when scanning the reports…". Further nowhere does Justice teach "reporting said second record to a controlling entity."

The Applicant has scoured the Justice reference and finds no teaching, disclosure, suggestion, or anticipation of the claimed invention that justify grounds for a §102 rejection. Therefore, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §102. As Justice fails to disclose or teach every element of Applicant's Claim 5, the rejection under §102(e) has been overcome, and Claim 5 is in condition for allowance. And by virtue of its dependence on an allowable base claim, dependent claim 5 is also in condition for allowance and further as to Claim 5, nowhere does the Justice specification mention a threshold amount of $10,000.00.

Claim 18

Regarding Claim 18 Justice fails to teach or disclose analyzing sales data to detect whether financial transactions have been purchased in a manner indicating a plurality of consecutive high-value purchases that exceed a threshold value. In the reference cited in the Office Action, figure 7 only discloses monthly, weekly, same day, or consecutive day ordering

comparisons, not testing whether ***consecutive high value purchases*** had met some criterion or threshold. The Office Action also mentioned that paragraphs [0007], [0077], [0095], and [0096], of Justice lend support to the rejection. However, in paragraph [0007], Justice discloses only "a cumulative fraud ***risk level*** meets or exceeds the predetermined threshold" and paragraph [0077] discloses only "the assessed ***risk level*** meets or exceeds a predetermined threshold," but not a plurality of ***consecutive high-value purchases*** that exceed a threshold value as disclosed in Claim 18. Paragraphs [0095], and [0096] again disclose "predetermined parameters" compared to a predetermined threshold, and for monthly accrual, but completely lacks disclosure with regards to ***a plurality of consecutive high-value purchases.*** The Applicant has scoured the Justice reference and finds no teaching, disclosure, suggestion, or anticipation of the claimed invention that justify grounds for a §102 rejection. Therefore, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §102. As Justice fails to disclose or teach every element of Applicant's Claim 18, the rejection under §102(e) has been overcome, and Claim 18 is in condition for allowance.

Claim 20

Regarding Claim 20, Justice fails to teach or disclose the step of determining whether said transaction matches said plurality of transactions based on a match of a sender's name and zip code. Figure 9, as referred to in the Office Action, looks only for a match whether an order retrieved from a fraud queue with the customer's address. Claim 20, on the other hand discloses checking the sender's name and *zip code* against a *plurality* of transactions.

Further, Justice does not teach the step of advising a sales associate and disabling said transaction if a result of said summing step exceeds a dollar threshold. The referenced figure 4 in Justice discloses no step of advising a sales associate (the closest it comes is canceling an order) and paragraph [119] referenced in the Office Action is silent as to either advising a sales associate or disabling a transaction.

As Justice fails to disclose or teach every element of Applicant's Claim 20, the rejection under §102(e) has been overcome, and Claim 20 is in condition for allowance. And by virtue of its dependence on an allowable base claim, dependent Claim 21 is also in condition for allowance; and further as to Claim 21, nowhere does the Justice specification mention a threshold amount of $2,000.00, including the referenced paragraph [0119].

Claim Rejections - 35 U.S.C. §103

The Final Office Action ("FINAL") in paragraph 3 stated that "[t]he Applicant's argument with respect to claims 1-7, 11-14, and 16-21 have been considered but are moot in view of the new ground(s) of rejection." However, with regard to original and unamended claims 4 and 7, the undersigned Applicant's representative has made a diligent search of the FINAL and can identify neither any new ground of rejection, any new reference applied to reject these claims, nor any specific or general response to Applicant's arguments filed on July 7, 2006 with Amendment B. Accordingly, the following arguments are respectfully submitted for reconsideration and specific comment.

2. Claim 4 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent Application Publication No. 2003/0174823 A1 (Justice et al.), in view of U.S. Patent Application Publication No. 2002/0023057 A1 (Godwin et al.). The Applicant respectfully traverses.

Regarding Claim 4, the Applicants incorporate the arguments above in regards to independent Claim 1 on which Claim 4 depends, namely that every element of Claim 1 is not anticipated, disclosed, or taught by the Justice reference. Further as to the Godwin reference at paragraph [0207], the Applicants respectfully disagree that the reference teaches form 8105-A, and nowhere in the Godwin reference is form 8105 mentioned. Further Godwin's paragraph [0207] refers to figure 30, which is merely a computer screen for input dialog, and paragraph

[0207] is directed to completing that online dialog. The mention of a USPS form is oriented at directing the user to fill out a USPS form, not generating a report as described in Claim 1 or form 8105-A as recited in Claim 4.

As neither Justice nor Goodwin, alone or in combination, suggest, teach, or disclose the Applicants' claim 4, the rejection under §103(a) has been overcome, and the Applicants respectfully assert that claim 4 is in condition for allowance.

3. Claim 7 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent Application Publication No. 2003/0174823 A1 (Justice et al.), in view of U.S. Patent Application Publication No. 2002/00138417 A1 (Lawrence). The Applicant respectfully traverses.

Regarding Claim 7, the Applicants incorporate the arguments above in regards to independent Claim 5 on which Claim 7 depends, namely that every element of Claim 5 is not anticipated, disclosed, or taught by the Justice reference. Further as to the Lawrence reference at paragraph [0004], nowhere does the cited reference disclose reporting a second record (of all records from said summing step) to the United States Treasury. Paragraph [0004] refers, instead, of the general obligations imposed by the Treasury Department as part of the Bank Security Act.

As neither Justice nor Lawrence, alone or in combination, suggest, teach, or disclose the Applicants' claim 7, the rejection under §103(a) has been overcome, and the Applicants respectfully assert that claim 7 is in condition for allowance.

4. Claims 11-14 and 16-17 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent Application Publication No. 2003/0177087 A1 (Lawrence 2), in view of U.S. Patent Application Publication No. 2004/0133516 A1 (Buchanan et al.). The

Applicant respectfully traverses.

Claims 11-14

Regarding Claim 11, Lawrence 2 fails to teach examining digitized images of transactions in a plurality of workstations. A detailed automated word search shows that nowhere in Justice do the words "digitized," or "images," "plurality," or "workstations" occur. Likewise, Fig. 1 of Lawrence 2 discloses only a **single** transaction surveillance system receiving input from a plurality of financial transaction processors: "Transaction Surveillance system 101 is linked to one or more Financial Transaction Processors 102-104 so that it can monitor data descriptive of financial transactions being conducted or contemplated by an organization operating the Financial Transaction Processor 102-104." (0021). Claim 12 and 25 of Lawrence 2 disclose "data descriptive of a financial transaction," but nowhere does Lawrence 2 mention the examination on a plurality of workstations.

The Buchannan reference is identified by the Office Action as disclosing examining digitized images of transactions in a plurality of workstations. The Applicant has reviewed the entire reference in detail, and fails to find support for a rejection under §103. For example, While figure 1 discloses check capture, it does not disclose examination of images, nor does it disclose a plurality of workstations. Buchannan figure 4 does show check image document storage, but does not disclose a plurality of workstations reviewing digitized images. Paragraph [0097] mentions "*an* electronic image of a check" being able to be displayed on a display terminal, but not examining images at a plurality of terminals. Paragraph [0118] again refers to image data for **a** check at **a** third processor, not a plurality of workstations. Paragraph [0158] mentions checking check images but again, not on a plurality of workstations. Paragraph [0168] states that "authorized operators can review the check 303 items images" but further goes on to further reinforce the limited access of an operator by reciting that "operators can be allowed on-line access selectively to only those POS captures items that were captured either by the retailer

or the bank of first deposit that the operator represents." Again, paragraph [0168] does not disclose examining digitized images of transactions in a plurality of workstations. Likewise paragraph [0240] discloses only review of files by "a third party" not digitized images by a *plurality* of workstations.

As neither Lawrence 2 nor Buchannan, alone or in combination, suggest, teach, or disclose the Applicants' claim 11, a prima facie case of obviousness has not been made out, and the rejection under §103(a) has been overcome. The Applicants respectfully assert, therefore, that claim 11 is in condition for allowance. And by virtue of their dependence upon an allowable base claim, claims 12-14, and 16-17 are likewise in condition for allowance.

5. Claims 19 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0174823 A1 (Justice et al.), in view of U.S. Patent Application Publication No. 2004/0039686 A1 (Klebanoff et al.). The Applicant respectfully traverses.

Claim 19

As recited previously regarding the §102 rejection of Claim 18 upon which Claim 19 depends, nowhere does Justice teach, disclose, or suggest analyzing sales data to detect whether financial transactions have been purchased in a manner indicating a plurality of consecutive high-value purchases that exceed a threshold value. More specifically, in the reference cited in the Office Action, figure 7 only discloses monthly, weekly, same day, or consecutive day ordering comparisons, not testing whether *consecutive high value purchases* had met some criterion or threshold. Further the Office Action at paragraph 6 admits correctly that Justice failed to disclose that the threshold value is $2000.00, and states that Klebanoff discloses the method wherein the threshold value is $2000.00. Respectfully, the Applicant points out that this assertion is in error. The Applicant reviewed the Klebanoff reference, and further conducted a

character search of the text of Klebanoff, finding no occurrences of the text "thousand," and only one occurrence of the string "2000". This string occurred at paragraph [0034] in the formula "Q $\geq$ 2000" where Q was defined in paragraph [0034] as "total net transaction volume." Since this "2000" clearly relates to transaction volume and not dollar values, Klebanoff fails to teach disclose, or suggest the "threshold value is $2000" as specified in Applicant's Claim 19.

As neither Justice nor Klebanoff, alone or in combination, suggest, teach, or disclose the Applicants' claim 19, a prima facie case of obviousness has not been made out, and the rejection under §103(a) has been overcome. The Applicants respectfully assert, therefore, that claim 19 is in condition for allowance.

Claim 21

Regarding Claim 21, as recited previously regarding the §102 rejection of Claim 20 upon which Claim 21 depends, nowhere does Justice teach, disclose, or suggest the step of determining whether said transaction matches said plurality of transactions based on a match of a sender's name and zip code. More specifically, Figure 9, as referred to in the Office Action, looks only for a match whether an order retrieved from a fraud queue with the customer's address. Claim 20, on the other hand discloses checking the sender's name and ***zip code*** against a ***plurality*** of transactions.

Further, Justice does not teach the step of advising a sales associate and disabling said transaction if a result of said summing step exceeds a dollar threshold. The referenced figure 4 in Justice discloses no step of advising a sales associate (the closest it comes is canceling an order) and paragraph [119] referenced in the Office Action is silent as to either advising a sales associate or disabling a transaction.

Further, the Office Action at paragraph 6 admits correctly that Justice failed to disclose

that the threshold value is $2000.00, and states that Klebanoff discloses the method wherein the threshold value is $2000.00. Respectfully, the Applicant points out that this assertion is in error. The Applicant reviewed the Klebanoff reference, and further conducted a character search of the text of Klebanoff, finding no occurrences of the text "thousand," and only one occurrence of the string "2000". This string occurred at paragraph [0034] in the formula "$Q \geq 2000$" where Q was defined in paragraph [0034] as "total net transaction volume." Since this "2000" clearly relates to transaction volume and not dollar values, Klebanoff fails to teach disclose, or suggest the "threshold value is $2000" as specified in Applicant's Claim 21.

As neither Justice nor Klebanoff, alone or in combination, suggest, teach, or disclose the Applicants' claim 19, a prima facie case of obviousness has not been made out, and the rejection under §103(a) has been overcome. The Applicants respectfully assert, therefore, that claim 19 is in condition for allowance.

New Claims 22-25

6. Newly submitted claims 22-25 are believed to be allowable because they are directed to that which is not shown or suggested in the art of record, as cited or applied to rejection of any claims of record. As none of the art of record alone or in combination teaches, discloses, suggests, or anticipates the claimed invention, the Applicants believe that the new claims 22-25 are in condition for allowance.

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested at an early date.

Respectfully submitted,

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